

**Big Cypress National Preserve  
ORV Advisory Committee Meeting  
June 22, 2010  
Big Cypress Swamp Welcome Center  
Ochopee, Florida  
3:30 p.m**

**Minutes**

**Attendance.** Committee members present: John Adornato, Franklin Adams, Robin Barnes, Marsha Connell, David Denham, Win Everham, Manley Fuller, Karl Greer, Chuck Hampton, Wayne Jenkins, Laurie Macdonald, Barbara Jean Powell, Jorge Gutierrez. Committee members not present: Curt Witthoff, Ed Woods, Brad Cornell.

Preserve staff present: Pedro Ramos, J.D. Lee, Damon Doumlele, Dennis Bartalino, Bob DeGross, Ron Clark, David Hamm, Tom Iandimarino, Leslie Wells, Mary Jo Shreffler, Robert MacKarvich, Jill Wilson, Susan Rossi, Delia Clark (contracted facilitator).

Approximately 18 members of the public were in attendance.

**Welcome.** Superintendent Pedro Ramos announced the reappointment of committee members Franklin Adams, Barbara Jean Powell, Curt Witthoff, and Ed Woods by the Secretary of the Interior. Robin Barnes' appointment is still pending because her application was submitted after the others. Pedro welcomed one of the new members of the committee, Jorge (George) Gutierrez, an attorney from the Miami area. He is an avid sportsman and conservationist and has testified before Congress on behalf of the Florida Fish and Wildlife Conservation Commission (FWC). Jorge comes highly recommended by FWC Commissioner Rodney Barreto and Director Nick Wiley. Pedro announced that another new committee member, Brad Cornell, was not able to be present but looks forward to serving. Brad works for Audubon of Florida/Collier County Audubon as Policy Associate and for many years has shown interest in the Preserve and the NPS mission.

Delia Clark gave an overview of the agenda. She explained that the committee is made up of people with a diversity of opinions and is a consensus-type committee rather than a voting committee. There are three ways the public can express their opinions: by phone, letter, or email. Letters addressed to any member of the committee voicing an opinion but not directly related to the work the committee is doing will not be posted on the PEPC website. Preserve staff are working on streamlining the process of how the committee and the NPS interact. NPS recommendations are to assign action items to a specific person and post them on PEPC and to write up committee recommendations in the form of a letter or memorandum from the committee to the Preserve. The letter will be attached to the minutes and approved at the next meeting. If appropriate, the Superintendent will respond. Draft minutes will be completed prior to the bi-monthly meeting of the Agenda Subcommittee. Within five days of the subcommittee meeting, the agenda will be distributed to Preserve staff so they can better prepare for the next committee meeting.

**Approval of April 20, 2010, Meeting Minutes.** Franklin suggested that committee members should be identified in the minutes. Barbara Jean pointed out that the minutes did not reflect that there was opposition in developing a parking lot at Mitchell's Landing. John said that page 3 of 17 in the minutes refers to an attachment, but the minutes do not reflect the detail of the memo Delia attached. He said that what is put up on the white boards should be placed in the minutes. Damon responded that the minutes are a reflection of what was discussed and produced at the meeting, and care should be taken as to what is attached to the minutes. Laurie said more substance needs to be in the minutes. Damon said that the name of one of the Preserve staff, Kit Johnson, should be corrected to Kit Carrington. The minutes were approved as corrected.

**Superintendent's Report.** Pedro read into the record that committee member Ed Woods was absent but that he sent a representative to take notes for him. He announced that the ORV plan implementation is going strong. He noted that Tom Murphy from the NPS Denver Service Center was present. The Preserve has \$20M to build access points and stabilize trails. Pedro reminded the committee that they had recommended that the NPS pursue a dialog with the Florida Department of Transportation (FDOT) concerning possible safety improvements to U.S. 41 at the Monroe Station ORV crossing. Members of FDOT, Collier County Commissioner Jim Coletta, Pedro, and other Preserve staff met recently at the site to discuss this concern. FDOT committed to work with the NPS to see if a tool is available that could help make the crossing safer. There is a public meeting set for August 26, 2010, from 5:00 to 7:00 p.m. at the Oasis Visitor Center to receive input concerning ORV trails in the Corn Dance Unit. The Turner River Unit has taken two years to get to this point. This unit will reopen to recreational ORV use on August 6, 2010. Don Hargrove has been sent on a detail for 60 days on the Gulf oil spill, and Susan Rossi will sit in for him taking the notes.

**Secondary Trail Terminus Issue.** Dennis Bartalino gave a presentation on the Cypress Camp Trail, also known as the Yellow Trail, in the Bear Island Unit. Portions of this trail were closed in 2007. The question before the committee was how to best locate and mark the terminus of a secondary trail that was receiving heavy use. The committee had questions: What is the turning radius of a buggy? Is this a soft prairie? Are there ruts? Bill Clark, an audience member, offered that there is not much room to turn around. You would need at least 30 to 40 feet to turn a buggy. The area is muddy when wet but has good rock. Barbara Jean reiterated Bill's contention that if there were a broader turnaround, there would be less impact. Markers stating "do not go beyond this point" should be placed. Karl felt that there was very little impact on the resources. Franklin noted that bringing in heavy trucks to restore this area would create more damage. John said this turnaround has become larger, and he heard concern from the staff, and so asked about the possibility of signage. Barbara Jean said it was difficult to offer recommendations without knowing this specific site; she wanted more public and staff opinion. Wayne Jenkins asked that since this particular site is the result of closing a primary trail, is NPS fixing the trail? Damon responded that the Preserve has applied for a permit from the South Florida Water Management District (SFWMD) to stabilize portions of the trail closed in 2007, because the trail was not covered under the permit issued in 2002. The application was made in April 2009, and the permit still has not been issued. This specific area is not included in that permit, so if the NPS decides to put rock in that area, they would have to modify the permit, a lengthy process. Wayne suggested making another lane with a dozer into a nearby pine island. Laurie said the trail needs to be located very carefully. She did not want rock placed because it would change the habitat too much. She also wanted to limit the number of signs. Jorge agreed

with not putting rock down. If the footprint that is already there is working, stakes should be placed at the turnaround to keep users from going farther off the trail. Manley wanted to see more exploration by Preserve staff.

The committee agreed on the following options:

1. Signage to keep people narrowly turning
2. Build a loop end on high grade
3. Add rock
4. Accept impact at trail terminations
5. Stakes to unobtrusively mark turning arc
6. Extend to higher grade one-quarter mile farther
7. Mark perimeter with logs
8. Reduce to better spot

**Public Comment: Secondary Trail Terminus Issue.** E. H. Atchison noted that we are talking about one-half acre of land in over 700,000 acres. This discussion has gone on too long – take a picture.

Bill Clark said that there is grass at the start of hunting season, and the area not in bad shape. You cannot get a truck in there if you are thinking about hauling rock.

In response to questions from the committee, Bill stated that adding markers would not look as pristine, there is more use of this area now because the primary trail has been closed, and this is not a “get stuck” area. Usually there is no water there, just mud when wet. There is no place behind there to make another trail.

Lyle McCandless (Big Cypress Sportsmen’s Alliance) said that all he hears is that public input is valuable, but yet he is only given three minutes for his input. It was clearly understood that the trails in Bear Island would stay open through the 2007 season, but they were closed four weeks before the end of the season. It took from October 2007 to April 2009 to apply for a permit, and here we are today without trails. Just beyond where this termination is that we are talking about is a place for buggies to turn around. He claims that John Adams said there are only two small areas in all of Bear Island that did not have a good surface.

Matt Schwartz (Sierra Club) noted that the Mile Marker 70 access has dramatically changed since the trails were reopened in 2007. The area turned into a mud pie in sections. This entire area is in litigation. SFWMD is not active on this because of the litigation. John Donahue closed the area in 2000 because of wet trails. The Hinson Trail is also in litigation. The western side is not as wet as the eastern side. This discussion is much ado about nothing.

Pedro responded that none of the trails in Bear Island were closed because of litigation but because they need to be stabilized pending a permit from SFWMD.

**Committee Discussion: Secondary Trail Terminus Issue.** The committee wanted to hear what Preserve staff recommended. Dennis said there were three options:

1. Cordoning off the area to a radius which the buggy needs
2. Carefully cut through the saw palmettos
3. Hardening of the surface to pull in and out rather than around

Bob asked the committee what is more acceptable in regards to impact on the area: to allow impacts to a small prairie or to remove vegetation. Pedro noted that Bear Island is at the trail mileage limit stated in the ORV plan. It would be best to see what is there and act to make that work right now as opposed to adding any more trails. Karl said that the impact is already there. John said that he is leaning towards the least amount of additional impact. He was not in favor of extending the trail or adding rock. He leaned toward maybe adding some signage. Win agreed with John. He said that the plan calls for 30 miles of trail in Bear Island. He was frustrated with the plan and its limitations and wanted to keep open the option of extending the trail. Manley noted that one size does not fit all, that needs should be tailored to the situation. Barbara Jean said that it would be better to turn around than to pull in and pull out. There would be more compliance with the turnaround method. Laurie said that the discussion was going beyond what was necessary.

The committee agreed on the following goals and recommendations:

1. Least impact on resource
2. Cost effective
3. Encourage compliance
4. Sustain aesthetic woods
5. Harden surface

**Turner River Unit: Primary and Secondary Trail Network.** Bob gave a presentation with maps. Map #1 was the 2008 Turner River trail recommendation from the ORVAC to the NPS. Map #2 showed NPS progress to date plus recommended trails to be ground-truthed.

Franklin requested that landmarks be placed on the maps to serve as reference points in the future.

Bob stated that signs saying “Closed – Authorized Use Only” are being placed on landowner access trails. The Preserve will send letters to landowners in Turner River advising them that they are authorized users. All landowners have been advised of what is preferred access to their property. Landowners have access to their property during the 60-day closure.

Chuck said that no one from NPS has ever contacted him about trail access. Karl agreed and said he knew nothing about guest permits. Barbara Jean said that at her camp they exchange guest passes with each other. Karl said that he checks on five camps and his own, and he wanted to go on record about this issue. He said this was a two-edged sword – a permit will not stop unwanted or uninvited people. Franklin suggested putting guest permits on a future agenda.

Bob continued with Map #3, which showed new and existing ORV trails. Map #4 showed trails that have been and need to be marked.

Wayne asked if the trails will be done by hunting season. Bob replied that the trails were closed but will reopen on August 6, 2010. At that time ORV use in Turner River will be on designated trails only. NPS will continue to mark trails and send out press releases on all future trail openings. By July 15 NPS will provide trail maps to all permitted ORV users and landowners. Karl was concerned that all trails would be correctly marked. Bob said the Preserve will need feedback because this is a learning curve for them, and he asked the committee for suggestions on how to make this process smoother.

Laurie wanted it stated for the record that the Turner River Trails Subcommittee recommended primary trails but were not in agreement on the secondary trail system.

There have been about 30 research projects done. Ron will bring everyone up to date at the next meeting.

Is there a timeline on rulemaking? Pedro said there is no timeline in place now. Bob added that once rulemaking starts it will take two years before a proposed rule becomes a federal regulation.

Barbara Jean questioned defining destinations and said it would be more efficient to identify the existing, sustainable trails. It must be reasonable to be successful.

John said it was important to understand how the Preserve got to this point (maps) before going further with recommendations. Resource impacts and guiding principles need to be determined. Pedro answered that the Preserve took recommendations from the committee. Primary and secondary trail designation was based on work in the field with NPS maintenance and resource management staff. Bob recognized that this was a cumbersome process and asked members to use GPS track logs when they go out and bring results back to Preserve staff.

Karl asked how NPS would enforce staying on the trails. Ranger Leslie Wells replied that each case would be handled individually. If someone is caught off trail, he would only get a ticket. More serious violations would be looked at differently. Pedro said that right now the Rangers are enforcing the law. If the same person keeps getting the same ticket over and over, he wants the ability to revoke that person's permit either temporarily or permanently.

John recommended sending out color maps with GPS coordinates and to have Rangers give them out to people. Manley recommended clear maps of access points and placing maps at these points. Wayne said the public should be told that what they are looking at is not a finished product. Barbara Jean suggested dating the maps at every update, using email, keeping hard copies at check points and Oasis, using press releases, and ensuring all law enforcement officers always have a supply with them so they can hand them out. Win added that the most current map should always be clearly noted. Barbara Jean suggested press releases should come out by Wednesday so hunters could have them by the weekend. Law enforcement should be lenient during this time of transition, with emphasis on education.

Preserve staff asked the committee for recommendations on how to handle additional trail requests in the Turner River Unit; i.e., whether they should be sent to the subcommittee or full committee. Win said that a regular process was needed for ongoing plans. Pedro replied that the NPS gets input from the public, staff, and their resource people. At some point in time, input

will be complete, and the rulemaking process will begin. Any requested changes to the trail system must be of significant impact for NPS to change. There must be a significant reason to make changes because of the work involved.

**Public Comment: Turner River Primary and Secondary Trail Designation.** Lyle McCandless (Big Cypress Sportsmen's Alliance) noted that the plan allows for about 145 miles of designated trails in the Turner River Unit, and the ORVAC recommended 110 miles of secondary trails. He was told that a file would be made on every individual that asked for a trail. He was concerned over the use of the term "unfeasible" trail. Damon explained that the term unfeasible is more inclusive than unsustainable. Manley asked if there were any trails considered feasible within closed areas, and Damon replied no.

Matthew Schwartz (Sierra Club) said he has never heard from the Superintendent regarding the destination of secondary trails in Bear Island. The purpose of the ORV plan is to cut down on motorized use. This Preserve belongs to 300 million Americans, not just a few permit holders. He said there are no designated campgrounds in Bear Island or the Turner River Unit.

Bill Clark (Big Cypress Sportsmen's Alliance and Collier County Conservation Club) said that you cannot see impacts on the Blue Trail and Yellow Trail; they are both grown up. He was concerned over recent discussions of closed areas in the vicinity of the Concho/Pekel trail, which he and others have been putting a lot of work into. He would like to officially submit this trail for consideration. He was concerned with the lack of secondary trails near U.S. 41 or Turner River Road. He wanted the committee to look into getting a trail into Austin's Pasture.

**Public Comment: General.** Bill Clark (Big Cypress Sportsmen's Alliance and Collier County Conservation Club) had several questions concerning guest permits relating to availability, duration, and use during the closure period and hunting season.

Lyle McCandless (Big Cypress Sportsmen's Alliance) said that for the last few months he and others have been on foot and by bicycle on trails in the Addition Lands. He emailed a letter to Pedro which was never posted on PEPC. He said the committee would be kept in the dark on the Addition Lands until the very end, and then the NPS will tell them to hurry. He has not seen one hiker or biker in the Addition in two months. Concerning guest permits, the NPS does not have any jurisdiction over private property.

Barbara Jean stated that the NPS did provide the committee with a copy of Lyle's letter.

Lyle feels strongly that any and all ORV information should go to the PEPC website. Manley replied that the committee is not charged with ORV issues in the Addition Lands.

Matthew Schwartz (Sierra Club) said that the Fire Prairie Trail gets used a lot. He routinely takes up to 25 people on Addition Lands hikes. He contributes comments at GMP meetings but never gets notified of the results. Only the ORV permit holders and landowners get notified of NPS decisions; the general public never gets notified. There should be hiking trails in areas not designated for ORV use.

Charles Barley noted that all trails are existing. NPS is not giving the users anything; they are taking. NPS should fix what does not work instead of adding more layers. He thanked NPS for their hard work but reiterated that that existing sustainable trails are being taken from them.

Bill Clark said that ORV use by the NPS, SFWMD, and panther teams in the Addition and Bear Island needs to be tracked. Map 4 is a total sham. Environmentalists on the committee are winning. He said he has wasted his time coming here.

### **Future Agenda Items**

1. Guest access to private camps
2. Trail identification process review, improvements
3. Managing pull-offs and dispersed camping
4. Process for re-evaluating trails over time (visitor experience and resource impacts)
5. Presentation on research to date

### **Options for Managing Trail Terminus Areas**

The ORVAC recommended that goals for managing trail terminus areas include:

- Protection of the resource
- Encouraging compliance
- Sustaining the aesthetic of a backcountry woods experience
- Cost-effectiveness

The ORVAC recommended that Preserve staff choose from a menu of options based on which option is best suited to meet these goals for each site. Options include:

- Confine turning radius to a narrow area through:
  - Signage
  - Stakes placed unobtrusively
  - Placement of natural logs
- Move turning area to nearby area of harder ground through:
  - Extension of trail to end on a higher grade
  - Shortening of trail to end on a higher grade
- Do nothing and accept mild degradation of area as a natural result of concentrated use.
- The least acceptable option is adding rocks to harden the surface.

The meeting adjourned at 8:05 p.m.